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05/19/97

## DIVISION-CONTINUATION PROGRAM APPLICATION TRANSMITTAL FORM

CKET NUMBER 05/19/97 1028con	ANTICIPATED CLASSIFICATION OF THIS APPLICATION: CLASS: SUBCLASS:		PRIOR APPLICATION: 08/309,097 EXAMINER: Koo	ART UNIT:
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Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a [x] continuation [ ] divisional application under 37 CFR 1.60, of pending prior application Serial No. 08/308,097, filed on 9-16-94, entitled METHODS AND DEVICES FOR MARKING AND DEFINING TISSUE.

- [X] Enclosed is a copy of the latest inventor signed prior application, including a copy of the oath or declaration showing the original signature or an indication it was signed. I hereby verify that the papers are a true copy of the latest signed prior application no. 08/308,097 as originally filed on September 16, 1994, and further that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.
- [ ] Cancel in the application original claims \_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).
- [ ] A preliminary amendment is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended by 2 and 3 above.

CLAIMS AS FILED	NUMBER FILED	NUMBER EXTRA	RATE	FEE
BASIC FEE			\$ 770	\$ 770
TOTAL CLAIMS	34 - 20 =	* 14	X \$ 22	308
INDEPENDENT CLAIMS	3 - 3 =	* 0	X \$ 80	
MULTIPLE DEPENDENT CLAIM PRESENT			\$ 260	
*NUMBER EXTRA MUST BE ZERO OR LARGER			<b>TOTAL</b>	<b>\$1078</b>
If applicant has small entity status under 37 CFR 1.9 and 1.27, then divide total fee by 2 and enter amount here.			<b>SMALL ENTITY TOTAL</b>	<b>\$ 539</b>

- [X] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27
  - [X] a copy from the parent application is enclosed
  - [X] was filed in prior application number 08/308,097 and such status is still proper and desired [37 CFR 1.28(a)]
- [X] A check in the amount of \$ 539 is enclosed.

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6. ☒ The Commissioner is hereby authorized to charge Deposit Account No. 13-5135 the amount of any additional fees under 37 CFR 1.16 and 1.17 which may be required, or credit any overpayment. A duplicate copy of this sheet is enclosed.

7. ☒ The inventor(s) of the invention being claimed in this application is (are): Seth A. Foerster, Fred H. Burbank, Mark A. Ritchart, Elias A. Zerhouni

8. ☐ This application is being filed by less than all inventors named in the prior application. In accordance with 37 CFR 1.60(b), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:

9. ☒ Amend the specification by inserting before the first line the sentence: -- This is a ☒ continuation ☐ division of application Serial Number 08/308,097 filed September 16, 1994.

10. ☒ New formal drawings are enclosed.

11. ☐ Priority of foreign application number \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_.  
☐ The certified copy has been filed in prior application number \_\_\_\_\_, filed \_\_\_\_\_ is claimed under 35 USC119(a)-(d).

12. ☒ The prior application is assigned of record to Biopsys Medical, Inc.

13. ☐ Also enclosed:

14. ☒ The power of attorney in the prior application is to:

**Donald E. Stout**

☒ The power of attorney appears in the original papers in the prior application.

☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

☒ **Address all future communication to:** (May only be completed by applicant, or attorney or agent of record.)

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Donald E. Stout  
 100 Pacifica, Suite 210  
 Irvine, CA 92618  
 Registration Number: 34,493

5-19-97  
 DATE

☒ Attorney of Record  
 Registration Number 34,493

Donald E. Stout

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application: /  
Foerster et al. / BOX PATENT APPLICATION  
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Attorney's: A-1028con /   
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Filed: Herewith /   
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For: METHODS AND DEVICES FOR /   
MARKING AND DEFINING TISSUE /

EXPRESS MAIL MAILING LABEL NO. **EM590182047US**

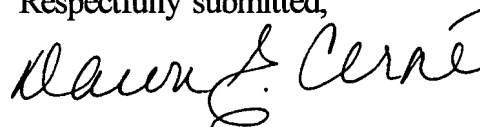
Date of Deposit: **May 19, 1997**

I hereby certify that the following documents as identified below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under CFR 1.10 on the date indicated above and are addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231:

1. Application Transmittal Form;
2. Copy of parent Specification (30 pages including Abstract/ and 34 claims (6 pages);
3. Copy of parent informal drawings 7 sheets;
4. New formal drawings 7 sheets;
5. Copy of parent Assignment;
6. Copy of parent Declaration and Power of Attorney;
7. Copy of the parent verification of small entity status-independent inventor
8. Copy of the parent verification of small entity status-small business
9. Information Disclosure Statement;
10. 4 sheets PTO 1449
11. Check; and
12. Return Receipt postcard.

Each of the 12 above-identified documents are enclosed herewith.

Respectfully submitted,



Dawn E. Cerné  
Office of Donald E. Stout  
Registration No. 34,493

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